United Nations

CCPR/C/123/D/2375/2014
CCPR/C/123/D/2690/2015

International Covenant on Civil and Political Rights

Distr.: General
10 September 2018

Original: English

Human Rights Committee

Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communications No. 2375/2014 and No. 2690/2015*, **

Communications submitted by:	Aleksandr Grunov (deceased) and his mother, Olga Grunova (represented by counsel, Leonid Sudalenko)
Alleged victims:	Alexandr Grunov (deceased) and Olga Grunova
State party:	Belarus
Dates of communications:	8 April 2014 (No. 2375/2014) and 27 February 2015 (No. 2690/2015) (initial submissions)
Document references:	Decision taken pursuant to rules 92 and 97 of the Committee's rules of procedure, transmitted to the State party on 9 April 2014 (No. 2375/2014), and pursuant to rule 97 of the rules of procedure, transmitted to the State party on 27 November 2015 (No. 2690/2015) (not issued in document form)
Date of adoption of Views:	12 July 2018
Subject matter:	Imposition of a death sentence after an unfair trial, based on confessions obtained without the presence of a lawyer
Procedural issues:	Failure of the State party to cooperate; non-respect of the Committee's request for interim measures; non-exhaustion of domestic remedies
Substantive issues:	Arbitrary deprivation of life; habeas corpus; right to a fair hearing by an independent and impartial tribunal; right to be presumed innocent
Articles of the Covenant:	2 (2), 6 (1) and (2), 7, 9 (1) and (3) and 14 (1), (2) and (3) (b)
Articles of the Optional Protocol:	1, 2 and 5 (2) (b)

* Adopted by the Committee at its 123rd session (2–27 July 2018).

** The following members of the Committee participated in the examination of the present communication: Tania María Abdo Rocholl, Yadh Ben Achour, Ilze Brands Kehris, Sarah Cleveland, Ahmed Amin Fathalla, Olivier de Frouville, Christof Heyns, Bamariam Koita, Marcia V.J. Kran, Mauro Politi, José Manuel Santos Pais, Yuval Shany and Margo Waterval.

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1.1 The authors of the communications are Aleksandr Grunov, born in 1967 (deceased), and his mother, Olga Grunova, born in 1947, both nationals of Belarus. The authors claim that the State party has violated their rights under articles 6 (1) and (2), 7, 9 (1) and (3) and 14 (1), (2) and (3) (b) of the Covenant (for Mr. Grunov), and articles 7 and 14 (1), read in conjunction with article 2 (2) (for Ms. Grunova). The Optional Protocol entered into force for the State party on 30 December 1992. The authors are represented by counsel.

1.2 On 9 April 2014, the Committee, acting through its Special Rapporteur on new communications and interim measures, decided to grant interim measures under rule 92 of its rules of procedure with regard to communication No. 2375/2014, and requested the State party not to carry out the death sentence of Mr. Grunov while his case was under examination by the Committee. On 13 November 2014, the Committee received information from counsel to the effect that Mr. Grunov's death sentence had been carried out on 22 October 2014.[1]

1.3 On 12 July 2018, pursuant to rule 94, paragraph 2, of the Committee's rules of procedure, the Committee decided to join communications No. 2375/2014 and No. 2690/2015, submitted by the authors, for decision, in view of their substantial factual and legal similarity.

The facts as submitted by the authors

2.1 On 20 September 2012, the police found the body of a young woman in the city of Gomel. On the same day, Mr. Grunov was arrested, brought to a police station in Gomel and interrogated regarding this incident, which was classified as murder. Initially, the police did not explain the reason for Mr. Grunov's arrest. He was interrogated without a lawyer being present, and was not informed about his procedural rights. A lawyer was provided to him only three or four hours after the beginning of his interrogation and only after Mr. Grunov had confessed to the murder. On the same day, Mr. Grunov was detained in the temporary detention facility in Gomel.

2.2 On 27 September 2012, the Gomel District Prosecutor informed Mr. Grunov about the charges against him and issued a decision to hold him in detention pending trial. Mr. Grunov appeared before a judge only on 28 January 2013, more than four months after his initial arrest. On 14 June 2013, Gomel Regional Court found Mr. Grunov guilty of "aggravated murder" under article 139 (2) (6) of the Criminal Code and sentenced him to death. The authors submit that article 139 (2) (6) envisages other types of punishment for the alleged crimes.

2.3 On 22 October 2013, the Supreme Court dismissed the judgment of Gomel Regional Court and requested that another judge review the case. The Supreme Court maintained that the first instance court should have taken into account the defendant's "sincere confession" to the murder and his cooperation throughout the investigation as mitigating circumstances.

2.4 On 24 December 2013, Gomel Regional Court again found Mr. Grunov guilty of aggravated murder and sentenced him to death. On 24 January 2014, Mr. Grunov, through his lawyer, submitted a cassation appeal to the Supreme Court. On 8 April 2014, the Supreme Court dismissed his appeal, thus confirming the death sentence. Mr. Grunov's sentence entered into force on 8 April 2014 and, therefore, the authors contended at the time of submission that he could be executed at any time. Mr. Grunov therefore requested the granting of interim measures, namely suspension of the execution of the death penalty, pending the consideration of the communication.

2.5 On 11 November 2014, Ms. Grunova received information from Gomel Regional Court that the execution of her son had been carried out. On the same day, Ms. Grunova received her son's death certificate, indicating that the death sentence had been carried out on 22 October 2014, in the city of Minsk.

2.6 On 13 November 2014, Ms. Grunova requested Gomel Regional Court to provide information on the exact time of her son's execution and the location of the burial site. On 24 November 2014, Gomel Regional Court rejected her request for additional information,

[1] Counsel submitted a copy of the author's death certificate.

on the basis of article 175 of the Penalties Enforcement Code of Belarus. According to that provision of the law, the relatives are not informed in advance of the date of execution, the body is not handed over and the place of burial is not disclosed.

2.7 On 3 December 2014, Ms. Grunova appealed against that refusal to the Central District Court in Gomel, which refused to initiate a civil case based on a lack of jurisdiction. On 14 December 2014, she submitted a private complaint before the Gomel Regional Court, which upheld the decision of the district court. Ms. Grunova also attempted to initiate a review of the constitutionality of article 175 of the Penalties Enforcement Code, but this complaint was rejected as well.

The complaint

3.1 The authors claim that the method of carrying out the death penalty in Belarus, including the fact that (a) no information about the date of the execution is provided to the convicted person or to his family, (b) the convicted person awaits the execution on "death row" and is issued with a special type of clothing and (c) the execution is performed by shooting, amounts to a violation of Mr. Grunov's rights under article 7 of the Covenant. The waiting itself, without knowing the exact date, amounts to torture, the authors claim. According to some reports, the person, who is shot in the head, sometimes does not die right away, but instead suffers a terrible, slow death.[2]

3.2 The authors also claim that Mr. Grunov's rights under article 9 (1) and (3) of the Covenant were violated. The Covenant requires the detainee to be brought promptly before a judge, and Mr. Grunov saw a judge for the first time only more than four months after his initial arrest.

3.3 The authors further claim that the use of his confession, made in the absence of a lawyer, in the determination of his guilt by the court violates Mr. Grunov's rights under articles 6 (1) and (2) and 14 (1) of the Covenant. According to article 105 (4) of the Criminal Procedure Code, evidence that was obtained in violation of procedural rights is inadmissible in a court of law.

3.4 The authors claim that Mr. Grunov was placed on "death row" even before the court sentence acquired the force of res judicata. At that time, Mr. Grunov was being held in solitary confinement and had to wear special clothing for persons sentenced to death, marked with letters indicating his sentence.[3] During the court hearings, Mr. Grunov was handcuffed and placed in a glass cage. The State media called Mr. Grunov a murderer before the court issued its verdict and sentence. The authors claim that this violated Mr. Grunov's rights under article 14 (2) of the Covenant.

3.5 The authors also claim that the failure to provide Mr. Grunov with a lawyer immediately after his arrest violated his rights under article 14 (3) (b) of the Covenant. Furthermore, according to the records of the detention facility, the lawyer, who was provided by the government authorities, had never met with the defendant; therefore, Mr. Grunov could not properly prepare for his trial. Mr. Grunov was able to hire a private lawyer only after the trial to help him to file a cassation appeal.

3.6 Ms. Grunova claims a violation of her rights under articles 7 and 14 (1), read in conjunction with article 2 (*2*), of the Covenant. She submits that the manner of carrying out the death sentence in Belarus, notably the refusal by the authorities to reveal the exact date, time and place of the execution and the location of her son's burial site, caused her severe mental suffering and stress. The complete secrecy surrounding the execution and the burial place of her son and the refusal to hand over the body for burial have had the effect of intimidating and punishing her family by intentionally leaving it in a state of uncertainty and mental distress. Ms. Grunova also claims that such practice is in violation of article 25 (3) of the Constitution.

[2] The authors refer to a book by Oleg Alkaev, former chief of the death row detention centre, but provide no further information.

[3] The clothing bore the Russian letters "ИМН", an abbreviation for *исключительная мера наказания* (exceptional measure of punishment).

3.7 Ms. Grunova further claims a violation of her rights under article 14 (1), read in conjunction with article 2 (2). She claims that, despite her numerous complaints to the authorities, she was not able to ensure the protection of her rights under article 7 of the Covenant, since a "competent, independent and impartial tribunal" did not hear her complaint. Furthermore, she was not able to obtain an effective remedy or a fair hearing when she requested information about the exact time of her son's execution and the location of his burial site.

State party's observations on admissibility and the merits

4.1 The State party, in its note verbale dated 25 January 2016,[4] confirmed that Mr. Grunov had been sentenced to death on 24 December 2013. On 8 April 2014, this court verdict and sentence came into force. The sentence was carried out on 22 October 2014. On 8 December 2014, the Central District Court in the city of Gomel rejected the complaint filed by Ms. Grunova against Gomel Regional Court and the Department of Execution of Punishments within the Ministry of the Interior. The Central District Court indicated that the complaint had been rejected for lack of jurisdiction.

4.2 In the complaint, Ms. Grunova challenged actions by the State party authorities in carrying out the death sentence against her son, specifically that she had not been informed about the time, date and place of the execution and the place where her son was buried. The procedure for carrying out the death penalty is described in article 175 of the Penalties Enforcement Code. According to paragraph 5 of that article, the entity that carries out the death penalty informs the court that issued the sentence, and that court in turn informs the relatives that the punishment has been carried out. The location of the burial site is not disclosed and the body is not released to the relatives.

4.3 On 6 November 2014, Ms. Grunova was informed that the death penalty against her son had been carried out. As for the location of the burial site and the release of the body to the relatives, the State party informs the Committee that such issues fall outside of the jurisdiction of the civil courts. Ms. Grunova therefore cannot directly challenge provisions of the Penalties Enforcement Code.

4.4 The State party also refers to Economic and Social Council resolution 1984/50,[5] according to which the death penalty must be carried out in such a way as to cause the minimum possible suffering. The Prosecutor General's Office considers that the Economic and Social Council envisaged reducing the suffering not only of the convicted person, but also of the relatives of that person; therefore, it was decided that executions would not be public. This rule concerns the execution itself, but also the details regarding the burial site.

4.5 Ms. Grunova appealed the Central District Court's decision to the Gomel Regional Court, which rejected the author's complaint on 3 February 2015. Ms. Grunova appealed that decision to the Supreme Court under the supervisory review procedure, which the court rejected. Ms. Grunova did not, however, appeal to the Office of the Prosecutor General or to its deputies for them to bring a supervisory review request to the Supreme Court. Therefore, the State party considers that Ms. Grunova did not exhaust all available domestic remedies.

Author's comments on the State party's observations

5. Ms. Grunova, responding to the State party's comments, submits that the author of a complaint before the Committee does not need to exhaust all available domestic remedies, only those that can be considered effective. The Committee has long-standing jurisprudence according to which the supervisory review procedure, which still exists in post-Soviet countries, is deemed ineffective.[6] The European Court of Human Rights takes a similar

[4] In the note verbale, the State party provides comments regarding communication No. 2690/2015. The State party did not submit observations on the admissibility and merits of communication No. 2375/2014.

[5] The State party appears to be referring to "Safeguards guaranteeing protection of the rights of those facing the death penalty", approved by resolution 1984/50. No further reference was provided.

[6] See *Iskiyaev v. Uzbekistan* (CCPR/C/95/D/1418/2005).

position, in that it considers that the supervisory procedure's discretionary nature makes it an ineffective remedy, which does not need to be exhausted.[7] Ms. Grunova submits that she did in fact submit a supervisory review request to the Chair of the Supreme Court, but she received a rejection letter signed by a Deputy Chair. This shows, again, the ineffectiveness of the procedure.

Lack of cooperation by the State party

6.1 The Committee notes that the State party failed to respect the Committee's request for interim measures by executing Mr. Grunov before the Committee had concluded its consideration of the communication.

6.2 The Committee recalls that article 39 (2) of the Covenant authorizes it to establish its own rules of procedure, which States parties have agreed to recognize. The Committee further observes that, by adhering to the Optional Protocol, a State party to the Covenant recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation of any of the rights set forth in the Covenant (preamble and art. 1 of the Optional Protocol). Implicit in the adherence of a State to the Optional Protocol is an undertaking to cooperate with the Committee in good faith, so as to permit and enable it to consider such communications and, after examination, to forward its Views to the State party and to the individual concerned (art. 5 (1) and (4)). It is incompatible with its obligations under article 1 of the Optional Protocol for a State party to take any action that would prevent or frustrate the Committee in its consideration and examination of communications and in the expression of its Views.[8]

6.3 In the present case, the Committee observes that, when Mr. Grunov submitted the communication, on 8 April 2014, the author informed the Committee that he had been sentenced to death and that the sentence could be carried out at any time. On 9 April 2014, the Committee transmitted to the State party a request not to carry out the death sentence while the case was under examination by the Committee. On 13 November 2014, the Committee received information that Mr. Grunov had been executed, despite its request for interim measures of protection. The Committee observes that it is uncontested that the execution in question took place, despite the fact that a request for interim measures of protection had been duly addressed to the State party.

6.4 The Committee reiterates that, apart from any violation of the Covenant found against a State party in a communication, a State party commits serious violations of its obligations under the Optional Protocol if it acts to prevent or frustrate consideration by the Committee of a communication alleging a violation of the Covenant, or to render examination by the Committee moot and the expression of its Views concerning the implementation of the obligations of the State party under the Covenant nugatory and futile.[9] In the present case, Mr. Grunov alleged that his rights under various provisions of the Covenant had been violated in a manner that directly reflected on the legality of his death sentence. Having been notified of the communication and the request by the Committee for interim measures of protection, the State party committed a serious violation of its obligations under the Optional Protocol by executing the alleged victim before the Committee had concluded its consideration of the communication.

6.5 The Committee recalls that interim measures under rule 92 of its rules of procedure, adopted in accordance with article 39 of the Covenant, are essential to its role under the Optional Protocol, in order to avoid irreparable damage to the victim of an alleged violation. Flouting of that rule, especially by irreversible measures, such as, in the present case, the

[7] See European Court of Human Rights, *Tumilovich v. Russian Federation* (application No. 47033/99), judgment of 22 June 1999.

[8] See, inter alia, *Piandiong v. Philippines* (CCPR/C/70/D/869/1999), para. 5.1; *Maksudov v. Kyrgyzstan* (CCPR/C/93/D/1461, 1462, 1476 and 1477/2006), paras. 10.1–10.3; and *Yuzepchuk v. Belarus* (CCPR/C/112/D/1906/2009), para. 6.2.

[9] See, inter alia, *Idieva v. Tajikistan* (CCPR/C/95/D/1276/2004), para. 7.3; and *Kovaleva and Kozyar v. Belarus* (CCPR/C/106/D/2120/2011), para. 9.4.

execution of Mr. Grunov, undermines the protection of Covenant rights through the Optional Protocol.[10]

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with article 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

7.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

7.3 The Committee notes the State party's contention that Ms. Grunova failed to exhaust all domestic remedies available to her concerning her claims regarding the carrying out of the death sentence on her son and the lack of disclosure of the burial place, by not filing a supervisory review request with the Prosecutor General's Office. The Committee recalls its jurisprudence according to which the filing of requests to a court, or to a prosecutor's office, for a supervisory review directed against court decisions that have entered into force and depend on the discretionary power of a judge or a prosecutor constitutes an extraordinary remedy, and that therefore the State party must show that there is a reasonable prospect that such requests would provide an effective remedy in the circumstances of the case.[11] However, the State party has not shown whether and in how many cases petitions under supervisory review procedures have been applied successfully in cases concerning the procedure of carrying out death penalty sentences. In those circumstances, the Committee considers that it is not precluded by article 5 (2) (b) of the Optional Protocol from examining the present communication.[12]

7.4 The Committee takes note of the allegations that Mr. Grunov's rights under article 9 (1) and article 14 (1) of the Covenant were violated. It notes that the State party has not refuted those allegations. However, in the absence of further detailed information, explanations or evidence in support of those claims, the Committee finds those allegations insufficiently substantiated for the purposes of admissibility, and declares this part of the communication inadmissible under article 2 of the Optional Protocol.

7.5 The Committee considers that the authors have sufficiently substantiated the remaining claims under articles 6 (1) and (2), 7, 9 (3) and 14 (2) and (3) (b) of the Covenant (for Mr. Grunov), and under articles 7 and 14 (1), read in conjunction with article 2 (2) (for Ms. Grunova), for the purposes of admissibility. It therefore declares the communications admissible and proceeds with its consideration of the merits.

Consideration of the merits

8.1 The Committee has considered the case in the light of all the information submitted to it by the parties, in accordance with article 5 (1) of the Optional Protocol.

8.2 The Committee first takes note of the authors' allegations that the manner in which the death penalty is carried out constitutes a violation of Mr. Grunov's rights under article 7 of the Covenant. The Committee has already considered several methods of carrying out the death penalty sentence as being contrary to article 7 of the Covenant (see, for example, CCPR/C/IRN/CO/3, para. 12, and CCPR/C/USA/CO/4, para. 8). Failure to provide

[10] See, inter alia, *Saidova v. Tajikistan* (CCPR/C/81/D/964/2001), para. 4.4; *Tolipkhuzhaev v. Uzbekistan* (CCPR/C/96/D/1280/2004), para. 6.4; and *Kovaleva and Kozyar v. Belarus*, para. 9.5.

[11] See *Gelazauskas v. Lithuania* (CCPR/C/77/D/836/1998), para. 7.5; *Sekerko v. Belarus* (CCPR/C/109/D/1851/2008), para. 8.3; *Protsko and Tolchin v. Belarus* (CCPR/C/109/D/1919-1920/2009), para. 6.5; *Schumilin v. Belarus* (CCPR/C/105/D/1784/2008), para. 8.3; *P.L. v. Belarus* (CCPR/C/102/D/1814/2008), para. 6.2; *E.Z. v. Kazakhstan* (CCPR/C/113/D/2021/2010), para. 7.3; *Alekseev v. Russian Federation* (CCPR/C/109/D/1873/2009), para. 8.4; and *Dorofeev v. Russian Federation* (CCPR/C/111/D/2041/2011), para. 9.6.

[12] See also *Kostenko v. Russian Federation* (CCPR/C/115/D/2141/2012), para 6.3.

individuals on death row with timely notification about the date of their execution constitutes, as a rule, a form of ill-treatment (see CCPR/C/JPN/CO/6). In the present case, Mr. Grunov was not informed about the date of the execution, which could have been carried out at any time. Ms. Grunova was informed about the date of the execution only after the death penalty had been carried out. The Committee notes that the State party has not presented any plausible explanations (see paras. 4.2 and 4.4 above) as to why this information was withheld from Mr. Grunov and his relatives, and has argued only that the death penalty was carried out in compliance with the Penalties Enforcement Code. The Committee therefore concludes that the manner in which the death penalty sentence was carried out against Mr. Grunov, including the method of carrying out the death penalty and the lack of notification to him, discloses a violation of Mr. Grunov's rights under article 7 of the Covenant.

8.3 Regarding the claims that Mr. Grunov was not afforded his rights under article 9 (3) of the Covenant, the Committee recalls that, in accordance with that article, any person arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorized by law to exercise judicial power. The Committee also recalls that, while the exact meaning of "promptly" may vary depending on objective circumstances, delays should not exceed a few days from the time of arrest. In the view of the Committee, 48 hours is ordinarily sufficient to transport the individual and to prepare for the judicial hearing; any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances.[13] The Committee takes note of Mr. Grunov's unchallenged allegations that he was apprehended on 20 September 2012, was officially placed in pretrial detention by the order of a prosecutor on 27 September 2012 and was not brought before a judge until 28 January 2013. The Committee recalls that, in its general comment No. 35 (2014) on liberty and security of person, it stated that it was inherent to the proper exercise of judicial power that such power should be exercised by an authority that was independent, objective and impartial in relation to the issues dealt with, and that a public prosecutor could not be considered as an officer authorized to exercise judicial power within the meaning of article 9 (3). In these circumstances, the Committee considers that the facts before it show that Mr. Grunov was not brought promptly before a judge or other officer authorized by law to exercise judicial power, as required under article 9 (3) of the Covenant. Accordingly, the Committee concludes that the above-mentioned facts reveal a violation of Mr. Grunov's rights under article 9 (3) of the Covenant.

8.4 The Committee also notes allegations that the principle of presumption of innocence was not respected in Mr. Grunov's case, because he was handcuffed and kept in a glass cage during the court hearings. In this respect, the Committee recalls its jurisprudence, as also reflected in its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, according to which the presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt and requires that persons accused of a criminal act must be treated in accordance with that principle. In the same general comment, the Committee also states that defendants should normally not be shackled or kept in cages during trial, or otherwise presented to the court in a manner indicating that they may be dangerous criminals, and that the media should avoid news coverage that undermines the presumption of innocence.[14] On the basis of the information before it and in the absence of any other pertinent information or argumentation from the State party as to the need to keep the author in a cage throughout the court trial, the Committee considers that the facts as presented demonstrate that the right of Mr. Grunov to be presumed innocent, as guaranteed under article 14 (2) of the Covenant, has been violated.

8.5 The Committee further notes the authors' allegation that, during the pretrial investigation stage, Mr. Grunov was not afforded the effective and continued assistance of a lawyer, and that he was able to hire a privately retained lawyer only in the framework of

[13] See the Committee's general comment No. 35 (2014) on liberty and security of person, para. 33.

[14] See also *Pustovoit v. Ukraine* (CCPR/C/110/D/1405/2005), para. 9.2.

preparing his cassation appeal. In this context, the Committee notes, for example, that the initial interrogation during which Mr. Grunov confessed to committing the alleged crime took place in the absence of a lawyer. The Committee also notes the allegations that the lawyer provided by the State party never visited the defendant during his pretrial detention. The Committee further notes that these allegations have not been refuted by the State party. Accordingly, it considers that due weight must be given to the authors' allegations. Referring to its general comment No. 32, the Committee also recalls that in cases involving capital punishment it is axiomatic that the accused must be assisted effectively by a lawyer at all stages of the proceedings. In these circumstances, the Committee concludes that the facts as submitted by the authors reveal a violation of Mr. Grunov's rights under article 14 (3) (b) of the Covenant.

8.6 The authors also claim that Mr. Grunov's right to life under article 6 of the Covenant was violated, since he was sentenced to death after an unfair trial. The Committee observes that these allegations have not been addressed by the State party. In that respect, the Committee recalls its general comment No. 6 (1982) on the right to life, in which it noted that the provision that a sentence of death may be imposed only in accordance with the law and not contrary to the provisions of the Covenant implies that the procedural guarantees therein prescribed must be observed, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence and the right to review by a higher tribunal.[15] In the same context, the Committee reiterates its jurisprudence that the imposition of a sentence of death upon the conclusion of a trial in which the provisions of article 14 of the Covenant have not been respected constitutes a violation of article 6 of the Covenant.[16] In the light of the Committee's findings of a violation of article 14 (2) and (3) (b) of the Covenant, the Committee concludes that the final sentence of death and the subsequent execution of Mr. Grunov did not meet the requirements of article 14 and that, as a result, his right to life under article 6 of the Covenant has also been violated.

8.7 The Committee also observes that the authorities of the State party refused to inform Ms. Grunova of her son's execution date, did not release the body and did not inform her of his burial site. The Committee cannot agree with the State party's explanation that the regulations cited in justification of these actions are intended to reduce suffering. On the contrary, in most circumstances such actions would have the opposite effect, as shown in the present communication (see also CCPR/C/JPN/CO/6, para. 13 (b)). The Committee therefore understands the continued anguish and mental stress caused to Ms. Grunova by this absence of information, which is amplified by the violations committed by the State party regarding her son. In its view, this amounts to inhuman treatment of Ms. Grunova, in violation of article 7 of the Covenant.

8.8 In the light of this conclusion, the Committee decides not to examine Ms. Grunova's claims under articles 7 and 14 (1), read in conjunction with article 2 (2) of the Covenant.

9. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it disclose a violation by the State party of Mr. Grunov's rights under articles 6 (1), 7, 9 (3) and 14 (2) and (3) (b) of the Covenant and of Ms. Grunova's rights under article 7. The Committee also concludes that by not respecting its request for interim measures, the State party violated its obligations under article 1 of the Optional Protocol.

10. Pursuant to article 2 (3) (a) of the Covenant, the State party is under an obligation to provide individuals whose Covenant rights have been violated with an effective remedy in the form of full reparation. Accordingly, the State party is obligated to take appropriate steps to: (a) inform Ms. Grunova of the exact time of the execution, and of the place of burial of her son; and (b) provide Ms. Grunova with compensation for the violations that her son suffered, and for the pain and anguish that she, herself, has suffered as a result of

[15] See also *Kelly v. Jamaica* (CCPR/C/57/D/537/1993), para. 9.8.

[16] See general comment No. 32, para. 59. See also *Levy v. Jamaica* (CCPR/C/64/D/719/1996), para. 7.3; *Kurbanov v. Tajikistan* (CCPR/C/79/D/1096/2002), para. 7.7; *Shukurova v. Tajikistan* (CCPR/C/86/D/1044/2002), para. 8.6; *Idieva v. Tajikistan*, para. 9.7; *Khoroshenko v. Russian Federation* (CCPR/C/101/D/1304/2004), para. 9.11; and *Gunan v. Kyrgyzstan* (CCPR/C/102/D/1545/2007), para. 6.5.

her son's unfair trial and execution. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. In this connection, the State party should review its legislation concerning the death penalty as it was applied in the present case.

11. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the present Views and to have them widely disseminated in the official languages of the State party.